



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA SUPREME COURT

(SEE INSTRUCTIONS)
Deadline – Wednesday, June 30, 2010

I. Provide your:

A. Full legal name and any former names.

Donald Jay Tribbett

B. Current home and office addresses, including email addresses and telephone numbers.

Home:

Office:

212 S. Fifth St.
Logansport, IN 46947
Telephone: 574-737-8529
djt@tribbettlaw.com

C. Date and place of birth.

**January 23, 1950
Logansport, Indiana**

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

**Release sent to Indiana Judicial Nominating
Committee by overnight mail on 6.25.10 per
request of Committee.**

II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

Attached

III. A. State in what county you currently reside and since what date.

**Cass County
December 1981**

B. List all previous counties of residence, with dates.

**Cook County, Illinois
January 1977 - December 1981**

**Cass County, Indiana
Birth - January 1977**

C. When were you admitted to the Indiana Bar?

October 1975

D. Are you currently on active status?

Yes

E. What is your attorney number?

1513-09

- IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

| <u>School</u> | <u>Dates Enrolled</u> | <u>Degree or Certificate</u> |
|--------------------------|-----------------------|------------------------------|
| Butler University | 1968-1972 | B.A. |

- B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

| <u>School</u> | <u>Dates Enrolled</u> | <u>Degree and Class Rank</u> |
|----------------------------|-----------------------|------------------------------|
| I.U. – Indianapolis | 1972-1975 | J.D.(19/224) |

NOTE: Certified transcript shows an inaccurate grade point average. Attached to the transcript is a letter from the Indiana University School of Law—Indianapolis explaining that the GPA shown on the official transcript was calculated without giving credit for + grades even though the law school gave such credit.

- C. Describe any academic honors, awards, and scholarships you received and when.

Indiana State Commission Scholarship 1968-1972

Butler University Academic Scholarship 1968-1972

Phi Eta Sigma Scholastic Honorary 1969

UTES Scholastic Honorary 1971

Blue Key Scholastic Honorary 1972

I.U. – Indianapolis Law School Academic Scholarship 1973-75

Associate Editor, Indiana Law Review 1974-75

Bancroft-Whitney Award for Secured Transactions 1974

J.D. *Magna Cum Laude* 1975

- V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

Logansport Elevator Company, Logansport, Indiana, laborer, summer 1972.

Indiana Supreme Court/Office of the Administrator, Indianapolis, Law Clerk, May 1974 – December 1976.

Ross Hardies O'Keefe Babcock & Parsons, Chicago, Illinois, Associate Attorney, January 1977 – December 1981.

Hanna Small Sabatini Becker & Tribbett, Logansport, Partner, December 1981 – January 1988.

Starr Austen & Tribbett, Logansport, Partner, January 1988 – February 1, 2007.

Tribbett Law Office, Logansport, February 1, 2007, to present.

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

Supreme Court Administrator's Office: Researched and wrote memoranda to the Court regarding petitions to transfer. Supreme Court Administrator: Lloyd Hutchinson. Assistant Administrator: Bruce Kotzan. Other Clerks: Dean Donnelson, Karl Mulvaney.

Ross Hardies: Civil litigation with primary focus on personal injury defense and contract disputes. Supervising partners: James K. Toohey, William Winger and David McBride.

Hanna Small: General practice in both civil and criminal matters. Other firm members: Fred Hanna, Herbert Small, Fred Sabatini, Nelson Becker, and Mary Ann Welsh (Associate).

Starr Austen Tribbett: General civil practice, excluding family law and bankruptcy. Primary areas of focus: Estate planning/probate, personal injury (both plaintiff and defense), commercial litigation, appeals, real estate, and governmental. Other firm members: Scott L. Starr, James H. Austen, Jon Myers (Associate & Partner), Andrew B. Miller (Associate & Partner), Elizabeth Lovette (Associate), Joseph Williams (Associate), Jeffrey Stanton (Associate).

Tribbett Law: Same areas of practice as at Starr Austen & Tribbett. Office mate: Randy Head.

C. Describe the extent of your jury experience, if any.

I have tried approximately 20 jury cases to verdict. Approximately 2/3rd of those trials were civil matters and the remainder criminal.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

I have served as a judge pro tem numerous times. None has involved presiding over a jury trial.

VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

***Cincinnati Insurance Co. v. Monty R. Young*, No. 18A02-0502-CV-00150. Intervenor/Appellant's Petition to Transfer filed September 6, 2006.**

***Courtney Smith v. Cincinnati Insurance Co.*, No. 41S01-0212-CV-00628. Appellee Cincinnati Insurance Company's Brief in Response to Petition to Transfer filed on or about July 18, 2002.**

***Miriam Butler v. City of Peru and Peru Municipal Utilities*, No. 52S02-0002-CV-117. Brief of Appellants in Support of Petition to Transfer filed August 6, 1999.**

***Salin Bank and Trust Co. v. Violet U. Peden Trust*, No. 09A05-9810-CV-495. Brief of Appellee Violet U. Peden Trust filed March 22, 1999.**

***Delos K. Alberts v. Mack Trucks, Inc. and National Seating Co.*, No. 37A03-8806-CV-184. Brief of Defendant-Appellee National Seating Company filed October 14, 1988.**

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

E. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

Copies enclosed.

F. Describe the nature and extent of any *pro bono* legal services you have contributed.

Throughout the years, I have provided *pro bono* legal services to numerous non-profit community organizations, such as Cass County Mental Health Association, Performing Arts Council of Cass County, First United Methodist Church of Logansport, Little Children's Ministry of Cass County, Cass County Arts Alliance, and Logansport Jaycees. The legal services provided these organizations have been on an as-needed basis, and the amount of time expended has varied from year to year. It would be unusual for the number of hours devoted to

these endeavors to be substantially less than 75-80 hours in any given year.

In 2010, for example, I have counseled the board of the Mental Health Association on personnel issues and assisted in the transfer of real estate, which activities resulted in approximately 15 hours of work.

On behalf of the Cass County Arts Alliance, I am currently in the process of negotiating and drafting a long-term lease with the Cass County Commissioners for occupancy and structural improvements to the Cass County Memorial Home, a historical structure which has fallen into disrepair and which the community would like to preserve. Although I have not yet participated directly in grant writing for that endeavor, I anticipate being consulted to provide information necessary for grant applications. Conservatively, I estimate that I have donated 30 hours to date in 2010 on behalf of CCAA.

Finally, in 2010, I have represented the First United Methodist Church on a *pro bono* basis in *In re the Estate of Helen P. Emler*, cause number 09D01-0710-ES-00063, and have devoted approximately 5 hours to that effort.

In addition to the above, I have accepted numerous *pro bono* referrals of indigents in need of legal services from the Cass County Pastoral Counseling Service. The Pastoral Counseling Service provided counseling services to Cass County residents unable to pay for other professional counseling. In approximately 1982, Rev. Michael LeSaux of the First United Methodist Church asked if I would be willing to provide free legal services to indigent persons receiving counseling through the Pastoral Counseling Service, and I agreed. For roughly 7 years, I received referrals approximately 3-4 times per year. Most of the referrals involved only 2-3 hours each of

counseling regarding family law or debt collection issues. However, on a couple of occasions involving spousal abuse, I prosecuted dissolution of marriage proceedings *pro bono*, each of which entailed approximately 15-20 hours of services. The Pastoral Counseling Service disbanded sometime in the early 1990s.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

(1) Twin Lakes Regional Sewer District (TLRSD), Monticello, IN: In 1996, I was retained by TLRSD, which was originally formed in 1972 to provide sewage collection and treatment services for the area around Lakes Shafer and Freeman near Monticello. TLRSD became inactive in the mid-1970s due to disinterest and a lack of community support. In the early 1990s, the White County Health Department, together with the Indiana Department of Natural Resources, commenced water sample testing to determine the condition of the lakes. Those tests revealed alarmingly high levels of e-coli bacteria, which, in many cases, exceeded the EPA's maximum recommended level for full body contact by several multiples. As a result, TLRSD was reactivated, and I was hired as its legal counsel. For the first several years, I received no fees; TLRSD had no funds. Despite the demonstrated need, TLRSD faced considerable opposition to its efforts to construct sewers, primarily because of the significant expense associated with the construction of a new sewer system. The legal attempts to thwart the Sewer District's efforts are too numerous to detail here. Despite those efforts, the first of a series of sewer projects was completed in 2000 at a cost of approximately \$8 million. Additional projects were completed in 2002 (\$6.25 million), 2003 (\$2 million), 2005 (\$19 million), and 2007 (\$20 million). It is anticipated that, by the end of this year or the

beginning of next, bids will be let on the final sewer project (estimated to be a \$22 million project). Thus, in slightly over 10 years, TLRSD will have completed its mission and will be among the largest regional sewer districts in the state. As a result of the installation of sewers, the water quality of the two lakes has improved dramatically, as demonstrated by further sampling and testing, and property values have increased significantly. I am proud of the accomplishments of TLRSD and my role as its legal counsel.

(2) Logansport/Cass County Airport Authority(LCCAA): In early 2003, I was retained to form an airport authority to assume jurisdiction of the Logansport-Cass County Airport. LCCAA was established and commenced operations on July 1, 2003. The primary goal of LCCAA was to construct a 5000 foot runway to accommodate larger propeller airplanes and non-commercial jets. The rationale for that goal was the depressed economy in Logansport and the need to attract new business and industry, some of which might require an airport sufficient to accommodate corporate aircraft. The Airport Layout Plan, establishing the runway priority, was submitted to, and approved by, the Federal Aviation Administration. The final step in the process before construction could begin was the issuance by the FAA of a Finding of No Significant Impact (FONSI). In December 2005, FAA requested LCCAA to update a bird study completed several years earlier to confirm that a nearby landfill wouldn't create problems for an expanded airport. The updated bird study, completed by a nationally recognized wildlife biologist, indicated that the landfill presents no bird hazard for the airport. The study noted that the Logansport-Cass County Airport has never had a reported bird strike. Initially, the FAA

stated that everything appeared to be in order and that it expected to issue a FONSI shortly. In fact, with the encouragement of the FAA , the runway project was bid. However, on March 28, 2007, FAA reversed itself and advised that LCCAA's request for a FONSI would be denied. The FAA ignored the bird study and applied a hard-and-fast rule discouraging airport improvements within 10,000 feet of a landfill. This was so despite the fact that LCCAA had done everything requested by FAA and, with the FAA's knowledge and concurrence, had expended around \$1 million in taxpayer money on engineering, legal fees, land acquisition, and other expenses to be in a position to commence construction as soon as the FONSI was issued. For all intents and purposes, the 5000 foot runway project appeared dead.

I was asked by LCCAA to take the lead in getting the FAA to reverse its decision. Initial research established that the various Advisory Circulars, upon which the FAA relied, were merely guidances without the force of law. We also determined that other airports throughout the country within 10,000 feet of a landfill had been allowed to expand by agreeing to mitigation measures to address any wildlife issues which might arise. With that information in hand, we approached Governor Daniels. The Governor's staff put together a team, consisting of the Governor, Senator Lugar, and Senator Bayh, all of whom pressured the FAA to treat LCCAA as any other airport in the country. Ultimately, the FAA and LCCAA entered into a mitigation plan to address the proximity of the landfill to the airport, and the FONSI was issued. Construction of the 5000 foot runway was completed in the fall of 2009. Airport traffic has increased significantly, and Logansport is now positioned to provide a modern airport to industrial and commercial prospects.

From a personal standpoint, I gained a statewide reputation within aviation circles. In 2008, I was retained as the attorney for the Greensburg Board of Aviation Commissioners and have since been consulted by airport boards from Miami County, Clark County, French Lick, and North Vernon.

(3) *First National Bank of Logansport v. Brenneman Mechanical & Electrical, Inc., et al.*: This case involved loans made by First National Bank of Logansport (FNBL) to Cass Investments, Inc. for the purchase and renovation of the historic Captain Logan Hotel building in Logansport. Through a series of loans, FNBL extended \$1 million in credit. The proceeds were exhausted by the borrower. In addition, the borrower incurred unpaid obligations to contractors and material suppliers of several hundred thousand dollars. Before making its final \$200,000 loan, FNBL insisted that the borrower provide a deed for the property, which would be recorded if the loans were not paid as they became due. FNBL did, in fact, record the deed upon default and then hired me to file an action to foreclose its mortgages and to have its liens declared superior to all other liens, including the mechanics liens.

The lien priority issues were extremely complex and were complicated by the recording of the deed. The mechanics lienholders argued that, by recording the deed, FNBL became the owner of the property subject to the mechanics liens. It would have been devastating to the Bank had that argument prevailed. Relying primarily on cases from the 1800s, we persuaded the trial court that the deed was actually a security instrument. That decision was affirmed in a seminal opinion of the Court of Appeals found at 495 N.E.2d 233. In addition to the benefit to my client, this

case is important for the lien priority principles cited numerous times by later panels of our appellate courts.

(4) *Small Parts, Inc. v. The Hartford Insurance Co., et al.*: On September 2, 1993, the manufacturing facilities of an automotive component parts manufacturer in Logansport, Small Parts, Inc. (SPI), were damaged by a micro-burst windstorm. Essentially, the roof of a warehouse was lifted and dropped on the roof of the primary manufacturing building. Because of pending orders from various customers and in an effort to keep those customers, SPI rented a vacant building, moved equipment to that building, and resumed manufacturing within a day and a half, albeit at a significantly lower rate of productivity and profit.

SPI's insurance carriers indicated a willingness to adjust the property damage portions of SPI's claim. However, it refused to consider SPI's claim for business interruption loss, primarily because SPI resumed manufacturing so quickly.

As a result, SPI hired me in December 1996, and suit was filed January 24, 1997. SPI's insurers retained the Chicago firm of Clausen Miller P.C. to defend their interests. The insurers aggressively defended and filed no less than 3 dispositive motions, all of which were denied.

This matter was extremely important to a small metal stamping company, like SPI. Shrinking profit margins in the automotive industry had put the company in a difficult position to absorb a significant uninsured loss of manufacturing revenue.

The case was also very challenging. Business interruption loss is a complicated area of insurance

indemnity, and surprisingly I found little legal authority on the subject. Ultimately, however, we convinced SPI's insurers of the merits of the business interruption claim, and a confidential settlement in the full amount of SPI's demand was achieved in March 2000.

(5) *Bowyer Excavating Co. v. RLG, Inc.*: This litigation relates to the closure of the Spring Valley Landfill in Wabash. My client, Bowyer Excavating, was hired to perform some of the work to close the landfill but was not paid the \$40,000.00+ it was owed for its work. I was hired by Bowyer to collect that money. The unpaid amount was important to a small, family-owned business. More important, however, was the legal precedent arising out of the litigation.

At the time Bowyer hired me, it was unaware that several months earlier, the Indiana Department of Environmental Management (IDEM) had filed a lawsuit against RLG, the owner of the landfill, for failure properly to close the landfill. In its action, IDEM obtained a prejudgment garnishment order requiring \$250,000 of RLG's funds, held by Republic Waste Industries, to be deposited with the clerk of the court.

I prosecuted the Bowyer claim to judgment and then filed proceedings supplemental in an attempt to collect the judgment from the funds held by the clerk. The trial court refused to allow Bowyer to intervene in the IDEM lawsuit or to collect its judgment from the funds being held by the clerk. An appeal was filed.

In an opinion found at 671 N.E.2d 180, the Indiana Court of Appeals reversed the trial court. Although the Court of Appeals did not agree with some of my arguments, it did agree that a prejudgment garnishment order does not result in a lien on the

property garnished. It found that Bowyer, through its proceedings supplemental, had the only valid lien against the \$250,000 fund held by the clerk and, therefore, should be paid first from that fund. To my knowledge, this is the only Indiana case that has held that a prejudgment garnishment order does not result in a lien.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

**David L. Hollenbeck
Blachly Tabor Bozik & Hartman
56 S. Washington, Suite 401
Valparaiso, IN 46383
219-464-1041**

**David Wilson
Garan Lucow Miller, P.C.
8401 Virginia St.
Merrillville, IN 46410
219-756-7901**

**Jerome L. Withered
Withered Burns & Persin, LLP
8 N. Third St., Suite 401
P.O. Box 499
Lafayette, IN 47902-0499
765-742-1988**

- VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

Participated in the organization of the Appellate Practice Section of the Indiana State Bar Association (1995-96).

Member of the Appellate Issues Study Committee and the Task Force on Appellate Issues of the Indiana State Bar Association (1994-99). In that capacity, presented "1999 Appellate Rule Revisions – Highlights for Trial Court Clerks and Court Reporters" to the March 18, 1999 regional meeting of the Association of Clerks of Circuit Courts of Indiana.

Cass County Bar Assn. Law Day Chairman (about 1987); organized tours of the Cass County Government Building for 6th grade students. Served on the Law Day Committee on approximately 5 other occasions.

- B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

Testified before the Environmental Quality Service Council of the Indiana General Assembly regarding regional sewer district statutes and potential legislation (October 2006).

Attorney for the City of Logansport and Logansport Municipal Utilities (2000-04).

Precinct Committeeman (4th Precinct in the City of Logansport) and member of the Cass County Republican Central Committee (1982-88).

Delegate to the Republican State Convention (1988).

Cass County Sheriff's Department Merit Board member (1986-92).

C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Cass County United Way: Board of Directors (approximately 1986-88) and Chairman of the Professional Division (1982).

Logansport/Cass County Chamber of Commerce: Board of Directors (1993).

First United Methodist Church of Logansport: Pastor-Parish Relations Committee (board member for 6 years and chairman for 3 years from approximately 1996-98 and 2000-04). The committee serves as a personnel committee; Board of Trustees (board member for 2 years from approximately 1992-94). Stewardship Committee (member from 1982-86).

Shafer Freeman Lakes Environmental Conservation Corp. (a 501c3 corporation organized to protect and preserve Lakes Shafer and Freeman): Served on the board of directors (1992-98); from 1994-95 served on a 3 person committee that negotiated the donation/transfer of the lakes from the Northern Indiana Public Service Company to the SFLECC.

Logansport Historic District Board of Review: charter member and president of the board for 2 years.

Cass County Carousel Corp. (to preserve and protect historic Dentzel carousel): board member for 5 years; president of board for 2 years.

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Indiana Bar Association – member and served on committees referenced in response to VII.A.

Indiana Defense Lawyers Association – member. No longer active.

Indiana Trial Lawyers Association – member only.

American Bar Association – member only. No longer active.

Cass County Bar Association.

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

Logansport Rotary Club (past member; served on Scholarship Committee for several years). No membership restrictions.

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

For 3 years (approximately 1986-89), I taught Business Law 101 at Indiana Vocational Technical College in Logansport.

H. Describe your hobbies and other leisure activities.

Snow skiing, water sports, including skiing, walking/jogging, landscaping, and travel.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

**Patricia J. Zelmer
Ice Miller
One American Square
Box 82001
Indianapolis, IN 46282-0002
574-271-3841**

**Kevin Enyeart
Cass County Prosecuting Attorney
200 Court Park #313
Logansport, IN 46947-3149
574-753-7790**

**Scott L. Starr
Starr Austen & Miller
201 S. Third St.
Logansport, IN 46947
574-722-6676**

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

**John E. Barnes, Chairman & CEO
Materials Processing, Inc.
8134 Dean Rd.
Indianapolis, IN 46240
317-570-7720**

**Thomas Weatherwax (State Senator-retired)
3012 Woodland Dr.
Logansport, IN 46947
574-753-3060**

**Michael Fincher, Mayor
City of Logansport
City Hall
Logansport, IN 46947
574-753-2551**

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

Donald J. Tribbett v. Sprint PCS and Receivables Performance Management, LLC, Cause # 09D02-0501-PL-00002. Lawsuit filed in January, 2005, over Sprint's refusal to honor its own 14 day cancellation policy. Confidential settlement entered into in about June 2005.

In re the Marriage of Donald J. and Theresa D. Tribbett, Cause #34C01-0502-DR-00165. Final decree entered June 25, 2007, in dissolution of marriage proceeding.

Sigman Sales & Service v. Donald J Tribbett, Cause #09D01-0510-SC-01025. Small claims dispute over repairs to riding lawnmower. Judgment entered December 19, 2005, in the amount of \$320.60 for repairs stipulated as legitimate. Judgment entered for defendant for contested repairs. Judgment satisfied on December 19, 2005.

The firm of Starr Austen & Tribbett filed a few collection actions to which I may have been a named party. I estimate the number to have been fewer than 6, but I do not currently have access to the records.

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

1972, Connorsville, Indiana, Justice of the Peace. I can't recall the exact title of the charge. A passenger in my car threw something out of the car, and we were both charged with littering or dumping. I paid a small fine and court costs.

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

Illinois – 1977 to present.

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

Not Applicable

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

Not Applicable

IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

Yes

30 June 2010

DATE

Don J. Tribbett

APPLICANT'S SIGNATURE

Donald J. Tribbett

PRINTED NAME

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

30 June 2010

DATE



APPLICANT'S SIGNATURE

Donald J. Tribbett

PRINTED NAME